

LEGISLATURE OF NEBRASKA
NINETY-EIGHTH LEGISLATURE
SECOND SESSION
LEGISLATIVE BILL 1000

Introduced by Chambers, 11

Read first time January 12, 2004

Committee: Judiciary

A BILL

1 FOR AN ACT relating to the Nebraska Correctional Health Care
2 Services Act; to amend sections 83-4,153, 83-4,154, and
3 83-4,157, Revised Statutes Supplement, 2002; to provide
4 for a mental health treatment program; to define a term;
5 to provide powers and duties; to harmonize provisions;
6 and to repeal the original sections.
7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 83-4,153, Revised Statutes
2 Supplement, 2002, is amended to read:

3 83-4,153. Sections 83-4,153 to 83-4,165 and sections 4
4 to 6 of this act shall be known and may be cited as the Nebraska
5 Correctional Health Care Services Act.

6 Sec. 2. Section 83-4,154, Revised Statutes Supplement,
7 2002, is amended to read:

8 83-4,154. For purposes of the Nebraska Correctional
9 Health Care Services Act:

10 (1) Community standard of health care means medical care
11 of the type, quality, and amount that any individual residing
12 within the community in question could expect to receive in that
13 community;

14 (2) Department means the Department of Correctional
15 Services;

16 (3) Health care services means all medical care provided
17 by or on behalf of the department to inmates and includes the
18 practice of medicine and surgery, the practice of pharmacy, nursing
19 care, dental care, optometric care, audiological care, physical
20 therapy, mental health care, and substance abuse counseling and
21 treatment;

22 (4) Inmate means an individual in the custody of the
23 department; ~~and~~

24 (5) Medical doctor means a person licensed to practice
25 medicine and surgery in this state; and

26 (6) Mental health treatment program means the program
27 established pursuant to section 4 of this act.

28 Sec. 3. Section 83-4,157, Revised Statutes Supplement,

1 2002, is amended to read:

2 83-4,157. The medical director shall:

3 (1) Coordinate all clinical services;

4 (2) Participate in the selection and supervision of all
5 clinical staff employed by or under contract with the department,
6 including medical doctors, physician assistants, pharmacists,
7 pharmacy technicians, registered nurses, licensed practical nurses,
8 advanced practice registered nurses, mental health practitioners,
9 certified alcohol and drug abuse counselors, laboratory
10 technicians, physical therapists, optometrists, audiologists,
11 dentists, dental assistants, and dental hygienists;

12 (3) Maintain and preserve the medical records of health
13 care services;

14 (4) Approve the purchasing of all necessary medical
15 supplies and medical equipment for the department;

16 (5) Recommend all necessary programs for the preservice,
17 inservice, and continuing medical training and education of the
18 health care staff and other relevant staff of the department,
19 including training specifically designed to promote prompt and
20 effective responses by all staff of the department to medical
21 emergencies;

22 (6) Develop and implement condition-specific medical
23 treatment protocols that ensure compatibility with a community
24 standard of health care, including protocols addressing the: (a)
25 Treatment of gastrointestinal bleeds; (b) detection and treatment
26 of all communicable diseases; (c) treatment of gender-specific
27 problems; (d) treatment of diabetes; (e) treatment of hypertension;
28 (f) treatment of headaches; (g) utilization of surgical procedures;

1 (h) control of infection; (i) provision of dental care; (j)
2 provision of age-specific and gender-specific routine health
3 maintenance; (k) means by which inmates obtain access to health
4 care services; (l) use of prescribed drugs, devices, or biologicals
5 for the purpose of pain management; (m) referral of patients to
6 medical specialists not in the employ of the department; and (n)
7 initiation, observance, and termination of do not resuscitate
8 orders initiated pursuant to the Rights of the Terminally Ill Act;

9 (7) Develop and implement a system of general discharge
10 planning for the health care services to be received by inmates who
11 are soon to be released from the custody of the department and who
12 have chronic health care problems;

13 (8) Develop and implement a comprehensive health care
14 services plan;

15 (9) Develop and implement an internal credentialing
16 program for the employment and retention of the health care staff
17 of the department based on a community standard of health care; ~~and~~

18 (10) Develop and implement an internal peer review and
19 quality assurance program based upon a community standard of health
20 care; and

21 (11) Appoint and supervise a qualified psychiatrist
22 licensed under the Uniform Licensing Law who shall be in charge of
23 the mental health treatment program.

24 Sec. 4. The department shall establish a mental health
25 treatment program which shall be responsible for all psychiatric
26 services, mental health care services, sex offender counseling and
27 treatment, and substance abuse counseling and treatment provided by
28 the department. The mental health treatment program shall provide

1 a community standard of care in the substantive areas of its
2 practice and shall strive to develop and maintain a healing and
3 rehabilitative environment for the benefit of inmates receiving
4 services of the mental health treatment program. The mental health
5 treatment program shall:

6 (1) Provide for systematic mental health screening and
7 evaluation of every inmate (a) at the time of his or her admission
8 into the custody of the department and (b) every two years
9 thereafter until he or she is discharged from the custody of the
10 department;

11 (2) Provide for continuing mental health screening and
12 evaluation of every inmate held in administrative segregation for a
13 period of more than thirty consecutive days;

14 (3) Provide for the clinical treatment of all inmates
15 with major psychiatric disorders;

16 (4) Provide a comprehensive program for all mental health
17 care services, sex offender counseling and treatment, and substance
18 abuse counseling and treatment received by inmates, including
19 counseling and treatment programs addressing the needs of inmates
20 suffering from alcoholism, drug addiction, sexual dysfunction,
21 depression, anxiety, and other similar disorders;

22 (5) Provide specialized programming to address the needs
23 of inmates who suffer from (a) human immunodeficiency virus, (b)
24 hepatitis, (c) posttraumatic stress disorder, and (d) disorders
25 relating to aging;

26 (6) Provide programming for the identification,
27 treatment, and supervision of inmates with suicidal tendencies; and

28 (7) Provide a program for comprehensive discharge

1 planning for all inmates who receive services of the mental health
2 treatment program, including arranging for and coordinating related
3 services received by such inmates when they are released from
4 custody.

5 Sec. 5. The mental health treatment program shall be
6 directed by a qualified psychiatrist licensed under the Uniform
7 Licensing Law who shall be appointed by and under the immediate
8 supervision of the medical director appointed pursuant to section
9 83-4,156. The director of the mental health treatment program
10 shall be responsible for:

11 (1) The selection, supervision, training, and evaluation
12 of all employees of the department who provide services through the
13 mental health treatment program;

14 (2) The supervision of all psychiatric services provided
15 through the mental health treatment program, including all
16 psychopharmacologic and psychotherapeutic treatment provided to
17 inmates receiving psychiatric services;

18 (3) The development and implementation of the mental
19 health treatment program;

20 (4) The development of an ongoing training program for
21 all employees of the department who provide services through the
22 mental health treatment program;

23 (5) The development of a comprehensive program for the
24 evaluation of all employees of the department who provide services
25 through the mental health treatment program, including a component
26 which solicits feedback from the inmates receiving services of the
27 mental health treatment program;

28 (6) The approval of all decisions or recommendations made

1 by the staff of the mental health treatment program that would
2 result in the discontinuation of services of the mental health
3 treatment program to an inmate; and

4 (7) The custody and integrity of the records maintained
5 by the mental health treatment program.

6 Sec. 6. The department shall establish a special housing
7 unit to be utilized as an inpatient mental health services unit to
8 serve inmates who are in need of inpatient treatment for major
9 psychiatric disorders. The unit shall be staffed by psychiatric
10 nurses and mental health practitioners and shall be under the
11 direct supervision of the mental health treatment program. Inmates
12 receiving treatment in the unit shall receive a community standard
13 of care, shall be treated in a humane and dignified manner, and
14 shall be controlled using the least restrictive methods reasonably
15 available considering their condition and the need to maintain the
16 security of the unit.

17 Sec. 7. Original sections 83-4,153, 83-4,154, and
18 83-4,157, Revised Statutes Supplement, 2002, are repealed.